

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

**DAVID-EARLE CLUM, JR.,**

**Plaintiff,**

**v.**

**KELLY S. KING, d/b/a Kelly S. King,  
Chief Operating Officer, Branch  
Banking and Trust Company of  
Virginia, et al.,**

**Defendants.**

**1:09CV280**

**RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Upon review of the file, **IT IS RECOMMENDED** that Defendants' motion to dismiss with prejudice (Docket No. 20) be granted as unopposed. Plaintiff has filed no response and the time for response has run. Further, the motion should be granted for the reasons set forth in Defendants' memorandum of September 30, 2009.

/s/ P. Trevor Sharp  
United States Magistrate Judge

Date: November 5, 2009